

**RULES AND PROCEDURES FOR THE  
MAYOR AND COUNCIL OF ROCKVILLE**

**I. AUTHORITY**

These rules are adopted pursuant to the authority provided in Article II, §2.c. of the Charter of the Mayor and Council of Rockville.

**II. AGENDA ITEMS**

A. Modifications to the agenda by members of the Mayor and Council may be made in the following manner:

(i) At the request of two or more members of the Mayor and Council, an item shall be placed on the agenda for consideration at a future meeting. If the request is not made during a Mayor and Council meeting, the request shall be made in writing (including via electronic means such as e-mail), and shall be made in time to place the item ~~Except as provided in this subsection, such a request shall be made during a Mayor and Council meeting. If, due to time constraints, an item must be placed on the agenda outside of the meeting process, two or more members of the Mayor and Council may do so as long as the item is placed~~ on the published agenda ~~prior to of~~ the meeting during which the item is to be considered. Requests placed on the agenda via writings shall be posted on the City's website by the City Clerk and listed in the Mayor and Council Action Report as soon as is reasonably practicable.

(ii) At the commencement of a Mayor and Council meeting, upon a motion duly made and seconded, and upon the affirmative vote of at least four members of the Mayor and Council, an item may be removed from the meeting agenda.

B. Any item brought up during a Mayor and Council meeting for a motion during Old/New Business; may only be approved by an affirmative vote of at least four members of the Mayor and Council.

### III. MAYOR AND COUNCIL MEETINGS

The Mayor and Council shall provide public notice of the time, location, and date of its meetings. All meetings of the Mayor and Council shall have a written, published agenda. Except for recognitions, proclamations, appointments and ~~citizens' forum~~Community Forum, each agenda item shall be presented and considered as follows:

A. The Mayor shall announce the agenda item number and read the description contained in the published agenda.

B. Following the announcement of the agenda item by the Mayor, the Mayor will invite the City Manager, or an appropriate staff person, to comment or provide a report on the agenda item then before the Mayor and Council.

C. Upon conclusion of any report or comments by the City Manager, or member of the staff, the Mayor shall ask members of the Mayor and Council if they have any questions to ask the City Manager or staff.

**Attachment A**  
Rules and Procedures  
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D. For those public hearing agenda items, the Mayor and Council shall follow the procedures in the attached “Procedures for Public Hearings.”

E. Once the staff has concluded its presentation, members of the Mayor-Council may ~~may request make one or more~~ ~~motions from a member of the Mayor and Council or, in cases where the Mayor determines that discussion is advisable prior to entertaining a motion, in order to better vet or frame the proposition to be acted upon, the Mayor may so indicate and defer calling for a motion until there has been some preliminary discussion.~~ The Mayor may not make or second any motion.

FF. When a motion is made, the Mayor ~~shall will determine inquire~~ if any member wishes to second the motion. Any motion that is not seconded will die for lack of a second.

GG. Once a motion is made and seconded, the Mayor will invite discussion of the motion by ~~members the Mayor and of the~~ Council. If no discussion is desired, or once the discussion has ended, the Mayor shall announce that a vote will be taken on the motion.

HH. The Mayor takes a vote by asking all those in favor of the motion to raise their hands and, if not all members vote in favor of the motion, then the Mayor will request those voting against the motion to raise their hands. If a member neither votes for nor against a motion, the Mayor will then ask if there are any members wishing to abstain. Except as provided in Sections II.A(ii), ~~and II.B, IV.D, V.C, V.E, and V.F,~~ a simple majority of those members present and voting determines whether the motion passes or is defeated. An abstention does not

count as a vote. If due to abstentions there is a lack of a quorum to vote on a motion, the motion fails.

#### IV. MOTIONS SUBJECT TO DEBATE

The following motions shall be debatable:

A. Main Motions

A main motion is a motion that puts forward a proposition, decision or action for adoption by the Mayor and Council.

B. Motions to Amend a Main Motion

A motion to amend a main motion, seeks to amend, alter or change, in some way, a main motion that is presently pending before the Mayor and Council.

When the Mayor and Council are ready to vote on a motion ~~which~~that has been subject to an amendment, the Mayor and Council shall first vote on the amendment and, if the amendment passes, then the Mayor and Council will then proceed to vote on the motion as amended. In the event that the amendment does not carry, then the Mayor and Council will consider and vote on the main motion.

C. Motion to Reconsider

A motion to reconsider ~~may~~shall be ~~only~~ made only by a member who voted in the majority for the original motion ~~which~~that is sought to be reconsidered. A motion to reconsider must be made either at the meeting where the item sought to be reconsidered was first voted upon, or at the very next meeting of the Mayor and Council.

D. Motion to Suspend the Rules

A motion to suspend the rules allows the Mayor and Council to suspend its rules for a particular purpose such as to allow debate on a motion ~~which that~~ is ordinarily non-debatable or to permit some other type of action ~~which that~~ is not otherwise permitted by these rules and procedures. Motions to suspend the rules may only be approved by an affirmative vote of at least four members of the Mayor and Council. The Mayor and Council may only act to suspend its adopted rules and procedures, not the requirements contained in State law, the City's Charter, or the City Code.

V. MOTIONS NOT SUBJECT TO DEBATE

Although most motions before the Mayor and Council are subject to discussion and debate, there is a limited category of motions that are non-debatable and include the following:

A. Motion to Adjourn

If a motion to adjourn passes, the Mayor and Council meeting is immediately adjourned to the next regularly scheduled meeting.

B. Motion to Recess

If a motion to recess passes, the Mayor shall declare a recess and indicate the time that the Mayor and Council will be in recess.

**Attachment A**  
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---

C. Motion to Establish Time for Adjournment

If a motion to establish a time for adjournment passes, the Mayor and Council meeting is adjourned at the time specified in the motion. Motions to establish time for adjournment may only be approved by an affirmative vote of at least four members of the Mayor and Council.

D. Motion to Table

The purpose of the motion to table is to lay a pending question aside temporarily when something else of immediate urgency has arisen or when something else needs to be addressed before consideration of the pending question is resumed. Motions to table shall only be used under these circumstances. If a motion to table passes, discussion of the item is halted and the agenda item is placed on hold. If the motion contains a specific date to bring the matter back before the Mayor and Council, then the matter will be brought back at the designated time. If, however, no specific time for the return of the item to the Mayor and Council is designated in the motion, a motion will be required at a future meeting to take the matter off the table and bring it back before the Mayor and Council at a future meeting.

E. Motion to Call the Question for Vote

If a motion to call the question for a vote passes, then discussion on the item stops and a vote is taken. Motions to call the question for a vote may only be approved by an affirmative vote of at least four members of the Mayor and Council.

F. Motion to Limit Debate

If such a motion to limit debate passes, the amount of time to debate will be limited to the amount of time set forth in the motion. Motions to limit debate may only be approved by an affirmative vote of at least four members of the Mayor and Council.

G. Withdrawal of a Motion

At any time during debate and discussion, the maker of a motion may interrupt a speaker to withdraw his or her motion. The motion is then immediately deemed withdrawn without the need for a second.

VI. POINTS OF ORDER AND APPEAL

Members of the Mayor and Council may interrupt a speaker under the following circumstances:

A. Point of Order

A member of the Mayor and Council can interrupt the speaker and raise a point of order. If a point of order is raised, the Mayor ~~would~~will ask the person making the point of order to explain his or her point of order. After considering the point of order, the Mayor will rule ~~s~~-in favor or against the point of order.

B. Appeal

If the Mayor makes a ruling with which a member of the body disagrees, the member may appeal the ruling of the Mayor. This appeal must be made immediately after the ruling is made. If the appeal is seconded, and after debate and discussion as in the case of a main motion,

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~~if~~ the appeal passes, the ruling of the Mayor is reversed. If the appeal of the ruling of the Mayor does not pass, the ruling of the Mayor is sustained.

**VII. ROBERT’S RULES OF ORDER**

The current version of Robert’s Rules of Order shall govern all questions of procedure not otherwise provided for in these rules, by Federal or State law, the City Code or City Charter.

**VIII. CONFLICTS WITH FEDERAL, STATE LAW, CITY CODE OR CITY CHARTER**

To the extent that any rules and procedures set forth herein conflict with Federal, State, or City laws, then Federal, State or City law shall control.



## **PROCEDURES FOR PUBLIC HEARINGS OF THE MAYOR AND COUNCIL OF ROCKVILLE**

### **I. SCOPE**

- A. Quasi-Judicial Public Hearings. These procedures shall apply to all quasi-judicial public hearings that are required by State law and/or City Code. Quasi-judicial proceedings are proceedings that typically apply to either a particular person or property, as opposed to the entire City. In a quasi-judicial proceeding, the Mayor and Council are typically called upon to make findings and determinations based upon the record produced in the proceedings.
- B. Other Public Hearings. These procedures also apply to public hearings involving legislative matters such as, but not limited to, amendments to the City Charter or Code or master plan amendments. However, for public hearings that do not involve quasi-judicial matters, the following subsections (from Section II. PUBLIC HEARING PROCEDURES) do not apply: G, and J.

### **II. PUBLIC HEARING PROCEDURES**

- A. Presiding Officer. The Mayor is the presiding officer and has broad discretion to conduct hearings in any manner that permits the development of a complete administrative record and provides a reasonable opportunity for interested parties to be heard. If the Mayor makes a ruling with which a member of the Council disagrees, the member may appeal the ruling of the Mayor. An appeal must be made immediately after the ruling is made. If the appeal is seconded, and after debate and discussion, the appeal passes by a majority vote, the ruling of the Mayor is overturned. If the appeal does not pass, the ruling of the Mayor is sustained.
- B. Commencement of Public Hearing. The Mayor will commence the public hearing by reading the agenda item and asking the City Clerk if the public hearing has been properly advertised.
- C. Time Limits on Testimony. The Mayor may set time limits on receiving testimony, including limits on the time for individual speakers, and limits on the total time permitted for oral testimony. The Mayor may increase or decrease any time limits. H, however, in most cases, the following time limits will apply:

**Attachment A**  
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| 1. | Staff Presentation   | 15 minutes |
| 2. | Applicant Testimony  | 10 minutes |
| 3. | Government Officials Testimony                                   | 5 minutes  |
| 4. | Representatives of Organizations Testimony                       | 5 minutes  |
| 5. | Adjacent and <u>C</u> onfronting <u>P</u> roperty <u>O</u> wners | 5 minutes  |
| 6. | Individual Testimony   | 3 minutes  |
| 7. | Applicant Rebuttal   | 5 minutes  |

D. Sequencing of Testimony. The Mayor may decide, in any given case, what the sequencing of testimony, however, in most cases, the sequencing of testimony will be as follows:

1. Staff
2. Applicant
3. Government Officials
4. Persons and Organizations signed up to speak
5. Persons and Organizations present wishing to speak (who did not sign up to speak in advance)
6. Applicant Rebuttal

E. Duplicative Testimony. The Mayor has the discretion to limit the presentation of unduly repetitious testimony, and to otherwise conduct the hearing so that it proceeds in an orderly and fair manner.

F. Rules of Evidence. Any public hearing conducted under these Procedures need not conform strictly to the rules of evidence or procedure that govern judicial proceedings. The Mayor and Council will accept evidence with the goal of developing a full administrative record. The Mayor and Council may consider any relevant evidence that assists in its reaching a decision. Hearsay evidence, if relevant, may be accepted. The Mayor may exclude from evidence any irrelevant, immaterial, or unduly repetitious material. The Mayor must rule on any objections to the admission of any evidence subject to the provisions of Section II.A.

G. Requests to Cross-Examine Speakers. Any person may request to cross-examine (question) another speaker at the end of that speaker's testimony. The Mayor will allow questioning of speakers subject to the following: 1) the questions must pertain only to

that speaker's testimony; 2) the questions must not be argumentative; and 3) the questions must not be preceded by any statements. The Mayor may reject any question that is objectionable or duplicative.

- H. Questions from the Mayor and Council. Members of the Mayor and Council may ask questions at any time during the public hearing. Any time spent responding to questions from the Mayor and Council will not count against the speaker's time limit.
- I. Exhibits. Any exhibit, including, but not limited to, documents, models, or other demonstrative evidence presented at the public hearing must be assigned an exhibit number and marked and identified for the record by the City Clerk. Any exhibit introduced in the public hearing becomes a part of the administrative record. The exhibit or an accurate representation of it must be given to the City for inclusion in the administrative record. Any physical object submitted ~~and~~ becomes s the property of the City and may not be returned.
- J. Ex Parte Communications. Ex parte communications are not permitted. An ex parte communication is a communication by either a party or an interested person to a member of the Mayor and Council outside the public hearing. These types of communications can be written or oral and can be by telephone call, personal contact, e-mail, regular mail, or any other type of communication directed either to a single member of the Mayor and Council or to some or all members of the Mayor and Council. The Mayor and Council must avoid telephone calls, e-mails and meetings with parties or interested persons for those types of proceedings ~~which~~ that are quasi-judicial in nature. If a member of the Mayor and Council receives unsolicited communications about a pending matter outside of the public hearing, the member must disclose and describe the communications to the rest of the Mayor and Council at the earliest opportunity during the Mayor and Council's hearing on the matter.
- K. Postponement, or Continuation of Hearing. Any member of the Mayor and Council may move to postpone a hearing. A motion to postpone must be approved by a majority of the members present and voting. Any member of the Mayor and Council may move to recess a hearing and continue it to another time. A motion to continue must be approved by a majority of the members present and voting. If the date, time, and place of a continued hearing is announced on the record, no further notice is required unless otherwise required by law.
- L. Closing of the Record. Once all testimony has been received, the public hearing is closed and the record remains open for the length of time designated by the Mayor and Council

**Attachment A**

Rules and Procedures

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for the receipt of additional public comment. Once the record has closed, the matter is typically brought back on the agenda for Mayor and Council discussion and instructions to staff.